

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID ROBIN WHITMORE, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-13-460-M
)	
FELICIA HARRIS, <i>et al.</i>)	
)	
Defendants.)	

ORDER

On November 26, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983 alleging various violations of plaintiff David Whitmore’s (“Whitmore”) constitutional rights. The Magistrate Judge recommended that (1) Whitmore’s Motion to Reconsider Class Certification and Motion for Appointment of Counsel to Represent the Class [docket no. 15] be denied; (2) Whitmore’s Motion to Transfer Jurisdiction [docket no. 24] be denied; and (3) Corrine Whitmore’s claims be dismissed from this action without prejudice and she be terminated as a plaintiff herein. The plaintiffs were advised of their right to object to the Report and Recommendation by December 13, 2013. A review of the record has revealed that no objection has been filed¹.

¹ On November 26, 2013, Whitmore filed a Motion to Amend/Correct Complaint [docket no. 27]. On December 13, 2013, Whitmore filed a Motion for Extension of Time [docket no. 30] to file his objections to the Report and Recommendation, which was granted by this Court on December 18, 2014. On December 16, 2013, Whitmore filed a Motion to Supplement the Motion to Reconsider Class Certification and Motion for Appointment of Counsel [docket no 31]. On January 13, 2014, Whitmore filed a Motion to Stay Proceedings [docket no. 34], requesting the Court stay these proceedings until he could access the law library “to do some research, in order to properly object to the R&R.” Motion to Stay Proceedings at 1.

On March 3, 2014, the Magistrate Judge granted Whitmore’s Motion for leave to file an Amended Complaint pending the Court’s adoption of the Report and Recommendation and dismissal of Co-Plaintiff Corrine Whitmore [docket no. 35]. Further, the Magistrate Judge effectively granted Whitmore’s Motion to Supplement the Motion to Reconsider Class

Upon de novo review, the Court:

1. ADOPTS the Report and Recommendation [docket no. 29] issued by the Magistrate Judge on November 26, 2013;
2. DENIES Plaintiff's Motion to Reconsider Class Certification and Motion for Appointment of Counsel to Represent the Class [docket no. 15];
3. DENIES Plaintiff's Motion to Transfer Jurisdiction [docket no. 24];
4. DISMISSES without prejudice the claims of Plaintiff Corrine Whitmore; and
5. TERMINATES Corrine Whitmore as a plaintiff in this action.

IT IS SO ORDERED this 7th day of March, 2014.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE

Certification and Motion for Appointment of Counsel and found Whitmore's Motion to Stay Proceedings moot. The Court agrees that since Whitmore has been granted leave to file an Amended Complaint, his Motion to Stay Proceedings is now moot.